

FILE COPY



**LANDAU
ASSOCIATES**

October 11, 2010

Ms. Donna Musa
Toxics Cleanup Program
Department of Ecology, NW Regional Office
3190 160th Avenue SE
Bellevue, Washington 98008-5452

**RE: TRANSMITTAL OF TANK CLOSURE REPORT
ALASKAN COPPER WORKS – PASSIVATION TANK
3600 EAST MARGINAL WAY FACILITY, SEATTLE, WASHINGTON**

Dear Ms. Musa:

On behalf of Alaskan Copper Works (ACW), Landau Associates, Inc. (Landau Associates) is transmitting the enclosed Tank Closure Report for the passivation tank located at the ACW facility at 3600 East Marginal Way in Seattle, Washington (site). This report documents the passivation tank closure activities that Clean Harbors Environmental Services, Inc. conducted in August 2009, including evacuating and disposing of waste materials from the tank and secondary containment area, cleaning the tank and secondary containment area, and subsurface sampling activities. Closure activities at the site were originally conducted under the auspices of the Washington State Department of Ecology (Ecology) Hazardous Waste and Toxics Reduction (HWTR) program; however, per the attached letter from Ecology, HWTR informed us that it was forwarding this information to the Toxics Cleanup Program (TCP) and that further cleanup activities “should be completed under the [TCP] regulatory framework.”

As noted in the report, the actions performed at the site to date satisfy regulatory requirements for “closure” of the physical passivation tank unit under WAC 173-303-640(8). However, soil contaminated above the cleanup performance standards [Model Toxics Control Act (MTCA) Method B cleanup levels for unrestricted land use] remains at the site which cannot currently be removed due to its location beneath the foundation of the site building. Based on the location of the contaminated soil beneath the building and lack of evidence that the residual contaminated soil is impacting groundwater, there is no apparent threat to human health or the environment. ACW intends, therefore, to complete independent post-closure soil removal activities, per the MTCA requirements, at such time as the facility is closed or operational changes occur at the site that would allow post-closure activities to be reasonably conducted.

We understand that Ecology often does not provide opinions regarding cleanup actions unless the site is enrolled in the Voluntary Cleanup Program. ACW requests, however, that Ecology review the Tank Closure Report and advise us whether it is acceptable to Ecology TCP for ACW to complete its tank

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closure activities and leave contaminated soil in place until such time as post-closure activities can be reasonably completed. We respectfully request that this response be provided within 1 month of receipt of this letter and report. ACW and Landau Associates would be happy to meet with Ecology if this would help to clarify the contents of the report or ACW's intentions for post-closure activities. Please feel free to contact us at your convenience if you would like to schedule a meeting or if you need any additional information.

Sincerely,

LANDAU ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "Piper Roelen".

Piper M. Roelen, P.E.
Senior Engineer

Cc: ~~James Brown (ACW)~~, Gerald Thompson (ACW), Dean Yasuda (Ecology HWTR)

Enclosures